

September 24, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND RECOMMENDATION

SUBJECT: Department of Development and Environmental Services File No. **L06TY403**
Proposed Ordinance No. **2007-0269**

GLEASON
Rezone Application

Location: 21327 Renton-Maple Valley Road Southeast, Maple Valley

Applicant: David Gleason
represented by **Gary O. Olson**, Attorney
3900 East Valley Highway, Suite 204
Renton, Washington 98055
Telephone: (425) 251-9313

King County: Department of Development and Environmental Services (DDES)
represented by **Mark Mitchell**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7119
Facsimile: (206) 296-7051

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Approve subject to conditions
Department's Final Recommendation:	Approve subject to conditions
Examiner's Decision:	Approve subject to conditions

EXAMINER PROCEEDINGS:

Hearing opened:	September 13, 2007
Hearing closed:	September 13, 2007

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

SUMMARY:

Reclassification of .18 acres from RA-5 (potential NB) to NB is approved within a rural neighborhood.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:**1. General Information:**

Request: Rezone of .18 acre from RA-5 (potential NB) to NB
(Neighborhood Business)

Location: 21327 Renton-Maple Valley (Hwy) Rd. SE, Maple Vally

Proponent: David Gleason
19688 SE 184th St..
Renton, WA. 98058

File Number: Rezone - L06TY403

Threshold Determination: Determination of Nonsignificance (DNS)

Date of Issuance: April 13, 2007

King County Action: Zone Reclassification

County Contact: Mark Mitchell, PPM III Phone No.: (206) 296-7119 or
E-mail: mark.mitchell@kingcounty.gov

Requested Zone: NB
Existing Zone: RA-5 (potential NB)
Community Plan: Tahoma Raven Heights
Section/Township/Range: NE 9-22-6 Parcel No.: 2752200011

2. The facts set forth in the King County Land Use Services Division preliminary report to the King County Hearing Examiner for the September 13, 2007 public hearing are found to be correct and are incorporated herein by this reference.
3. The initial use planned for the property by the applicant is the operation of an interior design, home furnishings store. The applicant has received preliminary approval from the King County Health Department for a 3,000 gallon septic tank which will be emptied periodically by pumping, to support that proposed use.
4. An occupancy permit will be required from DDES prior to commencing the proposed use.

CONCLUSIONS:

1. Reclassification of the subject property to NB is consistent with the policies of the King County Comprehensive Plan.
2. The proposed reclassification will have no significant adverse impact upon the environment.

3. The reclassification of the subject property is consistent with the requirements of KCC 20.24.190 (A), based upon the potential NB zone designation that has been placed upon the subject property.

RECOMMENDATION:

Approve the subject zone reclassification from RA-5 (potential NB) to NB, subject to the following conditions:

1. Uses of the subject property shall be those authorized by the zone classification.
2. No uses shall be established for which final King County Health Department approval has not been obtained.
3. If a building permit or occupancy permit is not obtained from King County within two years of final council action on this reclassification, this reclassification shall become null and void and be of no further force or effect.

ORDERED this 24th day of September, 2007.

James N. O'Connor
King County Hearing Examiner *pro tem*

TRANSMITTED this 24th day of September, 2007, to the following parties and interested persons of record:

Gary Gaber
21220 Maxwell Rd. SE
Maple Valley WA 98038

David Gleason
19688 SE 184th St.
Renton WA 98058

Gary Olson
Attorney at Law
3900 E Valley Hwy, #204
Renton WA 98055

Ellen Ploegman
21255 Maple Valley Hwy.
Maple Valley WA 98038

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Maple Valley WA 98038

Lisa Dinsmore
DDES/LUSD
MS OAK-DE-0100

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MS OAK-DE-0100

Mark Mitchell
DDES/LUSD
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before October 8, 2007***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before October 15, 2007***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE SEPTEMBER 13, 2007, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L06TY403.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Mark Mitchell representing the Department; David Gleason, the Appellant and Ellen Ploegman.

The following Exhibits were offered and entered into the record:

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|-----------------|--------------------------------------------------------------------------------------------|
| Exhibit No. 1 | Petitioner's application received December 7, 2006 |
| Exhibit No. 2 | Petitioner's rezone application received December 7, 2006 |
| Exhibit No. 3 | SEPA Checklist received December 7, 2006 |
| Exhibit No. 4 | Assessor's map received December 7 |
| Exhibit No. 5 | DDES staff report & recommendation |
| Exhibit No. 6 | SEPA DNS Determination dated April 13, 2007 indicating no EIS required |
| Exhibit No. 7 | Notice of Application |
| Exhibit No. 8 | Notice of Hearing from the Hearing Examiner's Office for the May 22, 2007 hearing |
| Exhibit No. 9 | Notice of Hearing Postponement from the Hearing Examiner's Office dated May 7, 2007 |
| Exhibit No. 10 | Notice of Hearing from the Hearing Examiner's Office for the September 13, 2007 hearing |
| Exhibit No. 11a | Newspaper public notice in the Seattle Times, published February 7, 2007 |
| 11b | Newspaper public notice in the Covington/Maple Valley Reporter, published February 7, 2007 |
| Exhibit No. 12 | Affidavit of Posting received January 26, 2007 |